

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

ePLUS, INC.,	)	
	)	
	)	Civil Action No. 3:09-cv-620
Plaintiff,	)	
	)	
v.	)	
	)	
LAWSON SOFTWARE, INC.	)	
	)	
	)	
Defendant.	)	

**DEFENDANT LAWSON SOFTWARE, INC.’S**  
**NOTICE OF INTERLOCUTORY APPEAL**

Notice is hereby given that Lawson Software, Inc. (“Lawson”) appeals to the United States Court of Appeals for the Federal Circuit from the Permanent Injunction issued by this Court on May 23, 2011 (Docket No.729). Appellate jurisdiction arises from the statute permitting interlocutory appeals from orders granting injunctions. 28 U.S.C. § 1292(a)(1) & (c)(1).

The Court has not entered final judgment and, therefore, this is not an appeal from a final judgment under 28 U.S.C. § 1292(c)(2).

Because the permanent injunction was issued after a jury trial and several rulings and decisions of this Court, Lawson’s appeal from the permanent injunction also necessarily includes all decisions and rulings that underlie or are intertwined with that injunction, and that otherwise affect the questions of validity and infringement of U.S. Patents Nos. 6,023,683, 6,055,516, and 6,505,172 (collectively, “the asserted patents”). Those underlying or intertwined decisions and rulings include, but are not limited to:

1. The Permanent Injunction Order (Docket No. 729) and the Memorandum Opinion accompanying the Permanent Injunction Order (Docket No. 728);
2. The district court's denial of Lawson's motions for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(a) (Docket No. 602);
3. The jury's verdict that the asserted patents were not proven invalid and have been infringed by Lawson (Docket No. 600);
4. The district court's rulings during the jury trial;
5. The district court's rulings on Plaintiff's and Defendant's motions in limine (including Docket Nos. 362, 365, 372, 373, 375, 382);
6. The district court's denial of Defendant's motions for summary judgment (including Docket Nos. 356, 357, and 395);
7. The district court's Memorandum Opinion and Order interpreting the claims of the asserted patents (Docket Nos. 204, 205); and
8. The district court's Memorandum Opinions and Orders excluding prior art evidence from trial (including Docket Nos. 435, 436, 516).

With the filing of the notice of appeal is the \$450.00 appeal fee required by 28 U.S.C. § 1913 and the \$5.00 filing fee required by 28 U.S.C. § 1917.

LAWSON SOFTWARE, INC.

By /s/  
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**CERTIFICATE OF SERVICE**

I certify that on this 23<sup>rd</sup> day of May, 2011, a true copy of the foregoing will be filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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